

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTHONY TODD WEVERKA,

Defendants.

4:17-CR-3039

MEMORANDUM AND ORDER

This matter is before the Court on the Magistrate Judge's Findings, Recommendation, and Order ([filing 33](#)) recommending that the Court deny the defendant's motion to dismiss ([filing 26](#)). The defendant has not objected to the Magistrate Judge's recommendation.

[Title 28 U.S.C. § 636\(b\)\(1\)](#) provides for de novo review of a Magistrate Judge's findings or recommendations only when a party objects to them. [Peretz v. United States, 501 U.S. 923 \(1991\)](#). Failure to object to a finding of fact in a Magistrate Judge's recommendation may be construed as a waiver of the right to object from the district court's order adopting the recommendation of the finding of fact. [NECrimR 59.2\(e\)](#). The defendant was expressly advised that "failing to file an objection to this recommendation as provided in the local rules of this court may be held to be a waiver of any right to appeal the court's adoption of the recommendation." [Filing 33 at 6](#). And the failure to file an objection eliminates not only the need for de novo review, but any review by the Court. [Thomas v. Arn, 474 U.S. 140 \(1985\)](#); [Leonard v. Dorsey & Whitney LLP, 553 F.3d 609 \(8th Cir. 2009\)](#); *see also* [United States v. Meyer, 439 F.3d 855, 858-59 \(8th Cir. 2006\)](#).

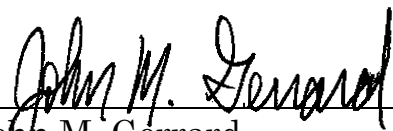
Accordingly, the Court will adopt the Magistrate Judge's recommendation that the defendant's motion to dismiss be denied, and any objection is deemed waived.

IT IS ORDERED:

1. The Magistrate Judge's Findings, Recommendation, and Order ([filing 33](#)) are adopted.
2. The defendant's motion to dismiss ([filing 26](#)) is denied.

Dated this 13th day of September, 2017.

BY THE COURT:



John M. Gerrard
United States District Judge